

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

IN THE MATTER OF:

CASE NUMBER:

**Anthony Shelton**

SS#: xxx-xx-2123

**Rachel Shelton**

SS#: xxx-xx-7479

Mailing Address:

113 Pineview Drive

Louisburg, NC 27549

**09-04765-8-ATS**

Debtors.

Chapter 13

**OPPOSITION TO TRUSTEE'S MOTION TO DISMISS**

NOW COME the debtors, through their attorney undersigned, in response to the Motion to Dismiss filed by the office of the chapter 13 Trustee on August 10, 2009, and hereby oppose said motion and request that it be denied. In support of such Opposition, the debtors show unto the court the following:

1. The Trustee states as the basis of his motion "Debtors have not provided information regarding a Domestic Support Obligation."

2. Upon information and belief, the Trustee has requested information which would enable him to perform the duties required of him under 11 U.S.C. § 1302(b)(6). However, although the debtors' Schedules list North Carolina Child Support Enforcement (hereinafter "CSE"), the debtors have been unable to ascertain and verify the mailing address or phone number of the recipient, and CSE has thus far been unwilling to release such information to the debtors.

3. The Trustee has suggested that the debtors' do an internet search to obtain the information. Undersigned has conducted such a search, which indicated one individual in the Wilson, North Carolina area with a name similar to that of the recipient. However, upon calling such individual, undersigned was advised that the such individual does not know the debtors.

4. The Trustee has also suggested that the debtors' subpoena the requested information from CSE. Undersigned respectfully suggests that, if CSE will not voluntarily release the information, it would be more appropriate for the Trustee to subpoena it in order that the information may be kept confidential. Undersigned can, however, provide the Trustee with documentation verifying CSE's refusal to provide the information to the debtors.

5. The debtors are in compliance with the requirements of 11 U.S.C. § 521. Alternatively, to the extent that their failure to provide information on the recipient of any DSO constitutes non-compliance with any part of Section 521, such non-compliance is due to a circumstance beyond their control and for which they should not be held accountable.

WHEREFORE, the debtors pray the court to deny the Trustee's Motion to Dismiss, and for such other and further relief as this court deems just and proper. In the alternative, the debtors request a hearing.

Date: August 29, 2009

**Law Offices of John T. Orcutt, P.C. by**

s./ Joseph A. Bledsoe, III

Joseph A. Bledsoe, III

Attorney at Law

6616-203 Six Forks Road

Raleigh, NC 27615

(919) 847-9750

NC State Bar No.: 19817

**CERTIFICATE OF SERVICE**

I, Joseph A. Bledsoe, III, of the Law Offices of John T. Orcutt, P.C., certify under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on August 29, 2009, I served copies of the foregoing **OPPOSITION TO TRUSTEE'S MOTION TO DISMISS** upon the following parties:

John F. Logan  
Chapter 13 Trustee  
P. O. Box 61039  
Raleigh, NC 27661-1039

Unless **automatic electronic noticing** is indicated upon the confirmation provided by the Court upon the filing of said Motion, service was accomplished by regular U.S. mail, first class postage pre-paid.

**Law Offices of John T. Orcutt, P.C. by**

s./ Joseph A. Bledsoe, III  
Joseph A. Bledsoe, III  
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